REMARKS

Claims 1-26 are pending in the case. All claims stand rejected. In the present submission, claims 6, 7, 15, 17 and 18 have been amended. Reconsideration is respectfully requested.

Claim Objections

The Examiner objected to the claim 1 because the preamble of the claim recites: "A management system **coupled** to a first and a second network element connected to a data communication network and being managed by a network manager also connected to the data communication network…" (emphasis added). The Examiner requested that the claim be amended to recite: "A management system **comprises** to a first and a second network element."

Applicant respectfully submits that the claim as draft is correct as the "management system" of the present invention is coupled to multiple network elements but the network elements are not part of the management system. This construction is described in detail in Applicant's specification, paragraphs [0025] to [0026] and in Figure 2. As shown in Figure 2 and described in paragraph [0025] , a management system 20 is provided to handle the management operations of managed devices 18A to 18D. Managed devices 18A to 18D are not part of the management system. In Figure 2 and described in paragraph [0026] of Applicant's specification, the management system 20 includes processor elements 24A to 24C and a management network 22 only.

Therefore, for the above reasons, claim 1 as drafted describes the claimed invention and withdrawal of the claim objection of claim 1 is respectfully requested.

§112 Rejections

The Examiner rejected claims 6, 7, 15 and 16-26 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner indicated that the recitation "the personality artifacts of the managed network element" is not clear.

Applicant submits that the term "personality artifacts of the managed network element" is described in paragraph [0033] of Applicant's specification which recites: "Personality artifacts, ***such as specific operational features***, of the hardware network element can be specified in subtype PDU field 46" (emphasis added).

In the present submission, Applicant has amended claims 6, 7, 15, 17 and 18 to recite "operational features" in place of "personality artifacts". Applicant submits that the claim amendment overcomes the §112, second paragraph, rejection of the claims. Withdrawal of the §112 rejection of claims 6, 7, 15 and 16-26 is respectfully requested.

§103(a) Rejections

Claims 1-18, 25 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hericourt (USP 6,792,461 B1). Furthermore, claims 19-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hericourt in view of O'Neil et al. (USP 6,128,279). Applicant respectfully traverses the rejection.

Hericourt

Hericourt is directed to a method and system for managing data traffic between an intranet and the internet. The Abstract of Hericourt recites:

> The Intranet composed of client computers connected to a router system which bridges the connection to a plurality of proxy servers. **The proxy servers act as a gateway to the internet** and operate on a designated application level protocol. The router system redirecting packets based on application level protocols to the proxy servers while checking the destination proxy server with an authorized list. The router system blocking or transmitting based on the application level protocol and the authorized server. (Emphasis added.)

Hericourt illustrates in Figure 4 "an end user workstation with a plurality of proxy servers." Hericourt describes:

> FIG. 4 shows **an end user workstation 401** connected to an Intranet 402. **The Proxy Servers 403 that protect the Intranet** attach both the (private) Intranet 402 and the (public) Internet 404. **The destination Web System 405** also connects the Internet (the Web System is for instance a Web Server, a FTP Server, or any system **attached to the Internet that can be accessed from the Intranet)**.
> ...
> The end user workstation 401 comprises a software program called Web Browser 406. The Web Browser is configured

to access Web Systems located on the Internet, through a Proxy Server 403.

When the Web Browser wants to retrieve HTTP data (for instance a Web Page) from a destination Web System 405, the end user workstation sends 408 an IP Datagram comprising a request to retrieve said HTTP data **to a destination Proxy Server on the Intranet network.** IP Routers within the Intranet receive the IP Datagram and route it 409 towards its destination. Each IP Router determines the next hop within the Intranet, using the Destination IP Address field in the IP Datagram Header. (Hericourt, col. 10, line 55, to col. 11, line 13, emphasis added.)

Hericourt went on to explain that "the present invention relates to a system and method for policing the Web Traffic within the Intranet." (Hericourt, col. 11, lines 38-41.)

Hericourt concerns only with managing data traffic between an intranet and the internet. Hericourt does not teach or suggest a management system for supporting the management of a data network. In Hericourt, the workstation 401 is not a network element and the proxy servers, acting as the gateway between the intranet and the internet, cannot serve as the processor element for a management system as the proxy servers do not perform network management functions but rather merely directs and controls internet data traffic.

Claim 1

Claim 1, as filed, recites:

1. A management system coupled to **a first and a second network element** connected to a data communication network and **being managed by a network manager** also connected to the data communication network, the management system comprising:

a management network coupled to the first and second network elements, the management network supporting a standardized network interface; and

a processor element coupled to the management network and communicating with the first and second network elements through the management network, the processor element being capable of processing management transactions,

wherein **a first management transaction is transmitted to the first network element and a second management transaction is transmitted to the second network element from the network manager through the data communication network, the first and second management transactions are transmitted through the management network to the processor element**, and the processor element **processes the first and second management transactions on behalf of the first and the second network elements** respectively. (Emphasis added.)

Claim 1 is patentable over Hericourt at least for the following reasons.

First, claim 1 recites first and second network elements being managed by a network manager. Network elements are described in Applicant's specification, paragraph [0002] and refer to "communication infrastructure elements, such as hubs, gateways, switches, bridges or routers, that have multiple ports for interconnecting multiple media links on the data network." Thus, a workstation with a single port does not meet the requirement of a network element according to the claimed invention. In Figures 4 and 5 of Hericourt, the end user workstation is shown with only one port connected to the intranet.

Also, a network manager is a computing device "designated…for performing management functions to ensure that the data network is operating at the desired performance level" (Applicant's specification, paragraph [0004]). A web system 405 as described in Hericourt does not meet the requirement of a network manager according to the claimed invention as the web system 405 in Hericourt does not perform any network management functions, but rather merely supplies data, such as a web page, to the workstation.

Second, the Examiner contends that, in Figure 4 of Hericourt, workstation 401 is the network element of claim 1, internet 404 is the data communication network, intranet 402 is the management network and proxy server 403 is the processor element. However, if we assume arguendo that the Examiner's characterization of the elements is correct, then the configuration of the elements in Hericourt does not meet the claim language of claim 1. In Hericourt, the workstation (the network element) is NOT connected to the internet 404 (the data communication network). Rather, the workstation (the network element) is only connected to the intranet 402 (the management network). Thus, the recitation of the preamble of claim 1 is not met.

Moreover, the limitation of claim 1 that "a first management transaction is transmitted to the first network element…from the network manager through the data communication network" is not met because the network element (workstation 401) of Hericourt is not even connected to the data communication network (internet 404).

Finally, the limitation of claim 1 that "the first and second management transactions are transmitted through the management network to the processor element" is not met. In the configuration of Hericourt, any communication is passed through the data communication

network (internet 404) and directly to the processor elements (proxy server 403) before even reaching the management network (intranet 402).

Therefore, the configuration of Hericourt as contended by the Examiner does not meet the claim limitations of claim 1.

Third, Hericourt concerns only with managing data traffic between an intranet and the internet. Hericourt does not teach or describe "a processor element…capable of processing management transactions" or first and second "management transactions" being transmitted from the network manager to the network elements. "Management transactions" are not merely data traffic between two networks but rather, are specific network management communications. Management transactions are described in Applicant's specification, paragraph [0024] as "management requests issued by the network manager intended for one or more of the hardware network elements for instructing the hardware network elements to perform certain management specific functions, such as data collection, hardware reconfiguration or transmitting notifications." Hericourt describes transmission of "web pages" which are <u>not</u> management transactions within the meaning of claim 1.

It is imperative to note that applicant may be his or her own lexicographer as long as any special meaning assigned to a term is sufficiently clear in the specification. See, e.g., MPEP §2111.01. Since Applicant fully describes the meaning of the terms such as "network elements", "network manager" and "management transactions" in Applicant's specification and these claim terms are given specific meanings, the claim limitations of claim 1 cannot be met by generic network elements and generic network configurations, such as that disclosed in Hericourt. Any prior art cited against the claimed invention of claim 1 must involve a system for supporting the ***management*** of a data network, not just merely managing the data traffic of the data network.

For the above reasons, the Examiner has not established a prima facie case of obviousness of claim 1 because not all claim limitations of claim 1 are taught or suggested by the cited reference. Claim 1 is therefore patentable over the cited reference.

Claims 2-14

Claims 2-14, dependent upon claim 1, are patentable over the cited reference at least for the same reasons claim 1 is patentable.

Claim 15

Claim 15, as amended, recites:

> 15. A method for processing a management transaction transmitted by a network manager over a data communication network and designated for a managed network element connected to the data communication network, the method comprising:
>
> coupling the managed network element to a processor element through a management network implementing a standardized network interface;
>
> transmitting a message from the managed network element to the processor element containing information identifying the operational features of the managed network element;
>
> providing the management transaction to the processor element;
>
> processing the management transaction at the processor element; and
>
> transmitting a message from the processor element to the managed network element in response to and in accordance with the management transaction.

Claim 15 is patentable over the cited reference at least by reciting "a management transaction transmitted by a network manager over a data communication network and designated for a managed network element connected to the data communication network" and "providing the management transaction to the processor element" and "transmitting a message from the processor element to the managed network element in response to and in accordance with the management transaction." For the same reasons stated above with reference to claim 1, claim 15 is patentable over Hericourt because Hericourt does not teach or suggest a method for processing a management transaction. Hericourt is concerned only with managing the data traffic between an intranet and the internet.

Claims 16-26

Claims 16-26, dependent upon claim 15, are patentable over the cited reference at least for the same reasons claim 15 is patentable. O'Neil does not cure the deficiency of Hericourt. Claims 16-26 are therefore patentable over Hericourt and O'Neil, alone or in combination.

For the above reasons, claims 1-26 are patentable over the cited references. Withdrawal of the §103(a) rejection of the claims is respectfully requested.

CONCLUSION

Claims 1-26 are pending in the present application. For the reasons stated above, claims 1-26 are patentable over the cited references. The application is therefore in condition for allowance. If the Examiner would like to discuss any aspect of this application, the Examiner is invited to contact the undersigned at (408) 382-0480.

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/Carmen C Cook/	August 22, 2006
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Respectfully submitted,

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